

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

v.

**ORDER**

Criminal No. 14-161ADM/JJK

Bartolomea Joseph Montanari,

Defendant.

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William J. Otteson, Esq., and Melinda A. Williams, Esq., United States Attorney's Office, Minneapolis, MN, on behalf of Plaintiff.

Daniel M. Scott, Esq., Kelley, Wolter & Scott, PA, Minneapolis, MN, on behalf of Defendant.

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On December 8, 2014, Defendant Bartolomea Joseph Montanari filed a Motion to Extend Surrender Date [Docket No. 67]. Specifically, Defendant requests to alter his ordered surrender date by 60 days, from December 29, 2014 to February 28, 2015. The Government opposes Defendant's motion.

On November 25, 2014, Defendant was convicted on one count of tax evasion, one count of mail fraud and one count of wire fraud. Pursuant to 18 U.S.C. § 3143(a), the court shall order a defendant found guilty to be detained unless clear and convincing evidence shows that the defendant is unlikely to flee or pose a danger to the safety of others.

As explained at the close of trial, the Court has determined that Defendant failed to present persuasive information ameliorating the concern about Defendant's potential flight risk. Nothing in Defendant's Motion presently before the Court alters the Court's reasoning. As again reiterated by the Government, Defendant has a long history of varied criminal activity and has admitted to purchasing a firearm in 2011. See Gov't Mem. Opp'n Pl.'s Mot. Extend Surrender

[Docket No. 68] at 2. Defendant has also repeatedly sought to conceal assets and there is recent evidence of Defendant seeking to establish nominee businesses in Nevada, where privacy protections are extremely high. Id. Defendant also expressed in a recent phone conversation that he “could not go to jail.” Id. Under these circumstances, the Court’s oral ruling regarding Defendant’s forthcoming detention stands.

Finally, Defendant’s argument that he needs additional time to arrange for his family’s affairs is not a strong one. Defendant was indicted on May 21, 2014, six months prior his trial. This interval gave Defendant and his family time to consider appropriate arrangements for the possibility that the jury would return a guilty verdict. Perhaps more significantly, Defendant was not taken into custody immediately following his conviction, but rather was permitted to spend more than one month with his family prior to the December 29, 2014 voluntary surrender date. In sum, Defendant has had ample time to make logistical arrangements for the possibility of his incarceration.

Based upon the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Defendant’s Motion to Extend Surrender Date [Docket No. 67] is **DENIED**. Defendant shall surrender to the U.S. Marshal on December 29, 2014, as previously ordered.

BY THE COURT:

s/Ann D. Montgomery  
ANN D. MONTGOMERY  
U.S. DISTRICT JUDGE

Dated: December 12, 2014.